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JUDGE FORREST

351-12/WDM/GMV/EJM
Wayne D. Meehan
Gina M. Venezia
Eric J. Matheson
FREEHILL, HOGAN & MAHAR, LLP
80 Pine Street
New York, New York 10005-1759
Tel: (212) 425-1900
Fax: (212) 425-1901
Attorneys for Plaintiff



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VOLTS SHIPPING NAVIGATION S.A.,

Plaintiff,

- against -

THE UNITED STATES OF AMERICA,

Defendants.

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COMPLAINT

Plaintiff Volts Shipping Navigation S.A. ("Volts" or "Plaintiff"), by and through its attorneys, Freehill Hogan & Mahar, LLP, as and for its Complaint against the United States of America ("the U.S."), alleges as follows:

1. This Court has jurisdiction over the subject matter of this action pursuant to the Public Vessels Act (PVA), 46 U.S.C. §§ 31101 *et. seq.*, and/or the Suits in Admiralty Act (SIAA), 46 U.S.C. §§ 30901, *et. seq.*, and also has admiralty jurisdiction under 28 U.S.C. §1333, because this action involves damages arising from a collision between two ships on the high seas.

2. Plaintiff Volts is and was at all relevant times a corporation organized and existing under the laws of Panama and is and was the owner of the M/T OTOWASAN, a Panamanian-flagged crude oil tanker.

3. At all relevant times, the USS PORTER (with U.S. Navy designation DDG 78) was a naval warship owned, operated, and manned by the U.S. through its department and agency, the U.S. Navy.

4. Defendant U.S. is a sovereign entity which has waived immunity for this claim pursuant to the provisions of the PVA and/or SIAA.

5. Pursuant to the PVA, Volts, a Panamanian national, is permitted to maintain this action against the U.S. because under Panama law, a U.S. national could maintain an action against Panama in similar circumstances. *See, e.g.*, Constitution of Panama Articles 20 & 206(2); Panama Code of Civil Procedure Article 97; and Panama Civil Code Articles 1644 & 1645.

6. Venue is appropriate in this Court because the parties have agreed that this forum is convenient for the witnesses, many of whom are located abroad, and hence this is an appropriate venue for resolving this matter.

7. On or about August 12, 2012, the OTOWASAN and the USS PORTER were each underway in the Persian Gulf, also called the Arabian Gulf.

8. On or about August 12, 2012, at 21:53, the USS PORTER and the OTOWASAN collided in the Straits of Hormuz in the vicinity of 26° 20.8'N, 056° 02.3'E, resulting in physical damages to both vessels.

9. The collision and damages resulting therefrom were not caused, in whole or in part, by any act, omission, fault or neglect of Plaintiff Volts or any of its agents, servants or anyone from whom they are responsible, or of the OTOWASAN, its crew or officers.

10. The collision and damages resulting therefrom were solely caused by the acts, omissions, fault, and/or neglect of the U.S. and/or its agents or servants and/or the USS PORTER and its crew or officers, including, but not limited to, their violation of Rules 2, 5, 6, 7, 8, 10, 14, 15, and 16, of the International Regulations for Preventing Collisions at Sea 1972 (COLREGS) and their otherwise negligent navigation and manning of the vessel.

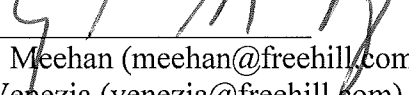
11. Plaintiff Volts is therefore entitled to recover from the U.S. for all losses and damages incurred as a result of the collision.

12. As best as may be presently estimated, the OTOWASAN suffered damages totaling \$1,744,000.57, none of which has been paid despite due demand.

WHEREFORE, Plaintiff Volts prays that judgment be entered against the U.S. finding it solely liable for the collision with the OTOWASAN and awarding Volts the full amount of its damages plus interest, fees and costs, and any other relief as the Court may deem just and proper under the premises.

Dated: New York, New York
August 8, 2014

FREEHILL, HOGAN & MAHAR LLP
Attorneys for Plaintiff
Volts Shipping Navigation S.A.

By: 
Wayne D. Meehan (meehan@freehill.com)
Gina M. Venezia (venezia@freehill.com)
Eric J. Matheson (matheson@freehill.com)
80 Pine Street
New York, New York 10005
Tel: (212) 425-1900
Fax: (212) 425-1901